

ORIGINAL

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6 Attorneys for Plaintiff

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * *

11 DENIS EDWARD DEHNE,

CASE NO.

12
13 Plaintiff,

COMPLAINT AND JURY DEMAND

14 vs.

15 RICHARD HILL, an individual, KRYST BART,
an individual, GARY NOTTINGHAM, an
16 individual, AIRPORT AUTHORITY OF
17 WASHOE COUNTY, a political
subdivision of the State of Nevada,

CV-N-00-0649-ECR-VPC

18 Defendants.
19 _____/

20 Plaintiff for his complaint against Defendants complains and avers as follows:

21 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331 and
22 1367.

23 2. On September 14, 2000, Plaintiff was a citizen and attendee at a meeting
24 regularly scheduled and agendized of the Defendant Airport Authority of Washoe County.

25 3. Defendant Airport Authority of Washoe County is a political subdivision of the
26 State of Nevada but is not an arm of the state protected by Eleventh Amendment immunity
27 and is a "person" sueable under 42 U.S.C. §1983.

28 4. Defendant Nottingham was acting as a sergeant with the police department

1 for the Airport Authority of Washoe County and is sued in his individual capacity.

2 5. Defendant Richard Hill was ostensibly a member of the Board of Trustees
3 of the Airport Authority of Washoe County on September 14, 2000. He is sued in his
4 individual capacity. He does not enjoy quasi judicial immunity because at the time he was
5 acting in an administrative capacity and was without jurisdiction to act as Chairman of the
6 Board. Defendant Bart is sued in her individual capacity. She was Executive Director of
7 the Defendant Airport Authority.

8 6. On September 14, 2000 at this meeting, Plaintiff rose during public comment
9 to speak against a set of rules that had been issued by Defendant Hill restricting public
10 comment before the Board. These rules violated Plaintiff's right to speak and constitute
11 policy of Defendant Airport Authority.

12 7. During this exercise of free speech on a matter of public concern which was
13 videotaped and is not disruptive, Plaintiff made critical comments of Defendant Hill.

14 8. Following these comments, Plaintiff was seated when he was suddenly
15 accused of making a comment from the seats that he "spit upon" the Board.

16 9. Plaintiff did not make such a comment. Defendant Hill nevertheless accused
17 him publicly of it. Hill failed to exercise reasonable care in making the accusation which
18 was defamatory in nature.

19 10. Plaintiff demanded a retraction of the false comment and an apology.
20 Defendant Hill refused and instead ordered Plaintiff to be arrested, detained and removed
21 from the meeting.

22 11. Defendant Nottingham responded with another presently unknown officer,
23 seizing Plaintiff's person with full knowledge that there was no suspicion or cause to
24 believe he had committed any crime nor to believe that he was disrupting the meeting.

25 12. Nottingham and the unknown officer exercised unreasonable force in
26 executing the seizure and removal of Plaintiff.

27 13. Defendant Nottingham and the other unknown officer exercised
28 unreasonable force in applying handcuffs to Plaintiff to effectuate the arrest. Defendant

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1 Bart had the authority and immediate opportunity to intercede to prevent these
2 constitutional violations and failed to do so intentionally.

3 14. Some or all of the Defendants caused or participated in the initiation of
4 criminal charges against Plaintiff in municipal court in Reno and in justice court in Washoe
5 County for obstructing and resisting and for disruption of a meeting. Defendants knew that
6 there was no probable cause for these charges and misrepresented facts in initiating said
7 prosecutions.

8 15. These charges against Plaintiff have been dismissed with prejudice.

9 16. Plaintiff was detained for several hours including at the Washoe County
10 Detention facility and was required to post bond but was eventually released on his own
11 recognizance.

12 17. Plaintiff had never been arrested before in his life.

13 18. Defendants caused adverse publicity of or concerning Plaintiff.

14 19. Defendants acted intentionally.

15 FIRST CLAIM FOR RELIEF

16 Plaintiff incorporates all statements contained herein as if fully set forth herein
17 above.

18 Defendant Hill caused Plaintiff's arrest and detention without probable cause
19 subjecting him to liability under 42 U.S.C. §1983 for Plaintiff's damages based upon a
20 violation of Plaintiff's Fourth Amendment right to be free from unreasonable seizures.

21 Defendant Hill caused Plaintiff to be recused in a defamatory fashion and arrested
22 and detained and prosecuted based upon Plaintiff's exercise of his rights to free speech
23 and to petition for redress of grievances under the First Amendment, subjecting Hill to the
24 same liability under §1983. Defendant Hill is also liable for malicious prosecution plus
25 under §1983.

26 Defendant Nottingham knowingly participated in Plaintiff's arrest and caused his
27 detention and prosecution without probable cause subjecting him to liability under 42
28 U.S.C. §1983 for unreasonable seizure of Plaintiff's person and for malicious prosecution

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1 plus.

2 Defendant Nottingham also knew that Plaintiff had just exercised his right to free
3 speech and was aware of no facts that would justify his seizure. Defendant Nottingham
4 had an obligation to disobey Hill's command or commands which he knew violated
5 Plaintiff's right under the First and Fourth Amendments. Nottingham's failure to intercede
6 Hill's command subjects Nottingham to an additional basis of liability under §1983.

7 Defendant Bart failed to intercede to prevent these constitutional violations
8 subjecting her to liability under §1983.

9 Plaintiff will seek leave to amend this complaint to identify other individuals involved
10 in this series of events including the unknown officer identified above when their true
11 names and identities are discovered.

12 Each of the Defendants in this regards acted with intent.

13 Defendant Airport Authority of Washoe County is liable because the aforementioned
14 constitutional violations took place and were caused by a custom or policy promulgated by
15 the Board of Trustees of the Airport Authority of Washoe County as final policymaker for
16 that governmental body with deliberate indifference to the constitutional rights of Plaintiff.

17 Each of the Defendants is liable to Plaintiff for past and future general and special
18 damages, including emotional distress, mental anguish, physical pain and suffering, future
19 fear of arrest and incarceration, chilling of Plaintiff's exercise of free speech, loss of
20 enjoyment of life, violation of the aforementioned constitutional rights inter se, adverse
21 publicity, exclusion from a public meeting and prior restraint of Plaintiff's right to speak
22 further, attorney's fees, court costs, inconvenience, embarrassment, humiliation, grief,
23 harm to reputation, all in sums to be proved at trial.

24 Plaintiff is informed and believes and thereon avers that the actions of Defendant
25 Hill were done with evil motive and malice and with deliberate indifference to the
26 constitutional rights of Plaintiff, entitling Plaintiff to an award of punitive damages under 42
27 U.S.C. §1983 against Defendant Hill in a substantial sum to be proved at trial.

28 SECOND CLAIM FOR RELIEF

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1 Plaintiff incorporates all statements contained herein as if fully set forth herein
2 above.

3 The aforementioned conduct subjects the Defendants to liability for the tort of false
4 arrest under Nevada law for the same damages.

5 THIRD CLAIM FOR RELIEF

6 Plaintiff incorporates all statements contained herein as if fully set forth herein
7 above.

8 The aforementioned conduct subjects the Defendants to liability for the
9 aforementioned conduct under the tort of false imprisonment under Nevada state law, for
10 the same damages.

11 FOURTH CLAIM FOR RELIEF

12 Plaintiff incorporates all statements contained herein as if fully set forth herein
13 above.

14 Defendant Airport Authority of Washoe County is liable for negligently supervising
15 the other Defendant employees so as to avoid the above foreseeable harm to Plaintiff,
16 which negligence proximately caused the aforementioned damage to which Plaintiff is
17 entitled under the State tort of negligence.

18 FIFTH CLAIM FOR RELIEF

19 Plaintiff incorporates all statements contained herein as if fully set forth herein
20 above.

21 The conduct of Defendant Hill was intentional or done in reckless disregard for the
22 infliction of severe emotional distress upon Plaintiff.

23 Defendant Hill's conduct was extreme and outrageous.

24 As a proximate result, Plaintiff suffered severe emotional distress and is entitled to
25 damages therefor.

26 SIXTH CLAIM FOR RELIEF

27 Plaintiff incorporates all statements contained herein as if fully set forth herein
28 above.

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1 Each of the Defendants failed to exercise reasonable care so as to avoid
2 foreseeable harm to Plaintiff in terms of emotional distress and Plaintiff is entitled to
3 damages therefor which were proximately caused thereby.

4 WHEREFORE, Plaintiff prays for judgment in his favor and against the Defendants
5 jointly and severally as follows:

- 6 1. For general damages in sums to be proved at trial;
- 7 2. For special damages in sums to be proved at trial;
- 8 3. For punitive damages a substantial sum;
- 9 4. For declaratory relief in the form of a declaratory judgment that Plaintiff's
10 aforementioned constitutional rights were violated by the foregoing conduct;
- 11 5. For injunctive relief enjoining Defendants from engaging in similar
12 constitutional violations in the future for which there is a threat of repetition;
- 13 6. Reasonable attorney's fees and costs of suit pursuant to statute, including 42
14 U.S.C. §1988; and
- 15 7. For such other and further relief as the Court deems just and proper.

16 DATED this 30th day of November, 2000.

17 LAW OFFICE OF
18 JEFFREY A. DICKERSON

19 
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21 LAW OFFICE OF
22 MARTIN G. CROWLEY

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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DENNIS EDWARD DEHNE

DEFENDANTS

RICHARD HILL, et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

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ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Title 42, U.S.C., Section 1983

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

JUDGE

CV-N-00-0649-ECR-VPC

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44**Authority For Civil Cover Sheet**

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs – Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below: federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section V below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.